PROGRESS REPORT #4

Comm 10 CODE REVISION COMMITTEE

DATE: Wednesday, February 28, 2001

TIME: 9:00 – 2:30

PLACE: HR Conference Room, Thompson Commerce Center, Madison, WI

COMMITTEE MEMBER ATTENDANCE:

Bob Bartlett	Present
Tim Clay	Excused
Larry Sands	Alternate for Tim Clay
Bob Elvert	Excused
Paul Knower	Excused
Brian Hora	Alternate for Paul Knower
Dick Marx	Present
Dave Reinke	Present
Erin Roth	Present
Fred Schultz	Present
Dale Safer	Absent

STAFF ATTENDANCE:

Sheldon Schall, ERS Div. (608)266-0956
Darla LeGrave, ERS Div. (608)266-8076
Bob Bertram, ERS Div. (715)345-5269, Alternate
Mark Bennett, ERS Div. (608)266-8981
Duane Hubeler, Administrative Services Div. (608)266-1390
John Lippitt, Safety & Buildings Div. (608)266-1036

VISITORS:

Scott Buckner Citgo/WI Petroleum Council

ADMINISTRATIVE ISSUES:

The meeting was called to order at 9:15 by Sheldon Schall. Introductions were made and the progress report from 10/25/00 was approved.

Sheldon demonstrated the enhanced tank information database. The goal of the database is to show the available public domain information about a tank that will assist in enforcement. The information is

added through the Regulated Objects Database. Maintenance orders are not expected to be added, however the completion of inspections may be added so that inspectors can access them. LPO (Local Program Operator) access to the information in the database may depend to some extent on what version of software is used. The question arose, "Does any tank that is inspected also need a permit?" The answer is that "currently only federally regulated USTs need operating permits, but the annual inspections include large heating oil USTs and a population of some ASTs. Sheldon gave a brief discussion of the AST inspections and asked the members if all tanks on the annual inspection should be permitted. The consensus supported permit requirements for all tanks subject to annual inspection.

COMMITTEE REVIEW OF PROPOSED RULE REVISIONS

Duane Hubeler reviewed a preliminary draft of the first part of the Comm 10 code update. This first part will consist of adopting current national standards and updating ss. Comm 10.25 to 10.27 which specify how the standards are used. The code change could also include minor sections on product approval and/or administrative procedures. This change will be further developed simultaneously with the larger overall Comm 10 update and should be effective prior to the larger update.

Regulation Of Carriers

A discussion followed on the possibility of regulating storage tanks at the point or at the time they are filled. There is a possibility that carriers could be required to have a credential. They could then be prohibited from filling a tank that they know is not code-compliant. Part of this enforcement scheme could entail a permit to operate for the tank. There could be a certificate or tag applied to a tank at its regular inspection that the carrier would have to verify prior to the product drop. Darla LeGrave agreed to investigate how the Dept. of Revenue brought carriers into the enforcement scheme for the high-sulfur fuel program. This topic will be researched further and presented at the April 19th meeting.

Tank Closure And Removal

There is considerable confusion on the issue of tank closure and removal. Specifically when and to what extent does AST closure lead to removal? UST are required to be removed from the property, but ASTs are allowed to be closed while remaining on the property. Related questions are: Does temporary closure under s. Comm 10.73 also apply to large, field-erected ASTs (Aboveground Storage Tank) and does that entail tank removal after 12 months of closure? Is there a consensus time limit for removal of a tank after closure? 2 years? 5 years? Should shop-built tanks have a different removal time than field-erected tanks? The general requirements for closure under s. Comm 10.73 do not include removal but s. Comm 10.732 brings the concept of removal into the permanent closure and change-of-use requirements. Consensus developed that "permanent" closure should be defined as the point in time when the tank is removed from the property. Sheldon expressed his opinion that the current code format added to the confusion and the proposed "compartmentalization" of the code and

consolidation of closure related language would help rectify closure issues. This topic will also be investigated further and reported at a future meeting.

SUBCOMMITTEE ISSUES:

Marine & RV Fueling Subcommittee

Dick Marx gave a presentation on the progress of this subcommittee and made the following recommendations:

- Use NFPA 30 and 30A for the majority of the rules.
- Use the title, "Watercraft, Snowmobiles & ATVs".
- Maintain Comm 10's current 10-foot setback from the high water level for tank placement.
- Maintain most of s. Comm 10.415's equipment specifications.
- Provide for tank security, but don't require fencing.
- Provide a better definition of "Important Building".
- Require the emergency stop button to be between 20 and 100 feet from the dispenser.
- Allow point-of-service fueling only through the variance process.
- Allow dock-mounted dispensers on permanent docks.
- Require piping to be in the ground within 20 feet of the tank unless OK'd by Commerce.
- Require double-wall piping for dock-mounted dispensers.
- Allow lesser testing for double-wall piping that is monitored either visually or electronically.
- Require no-drip dispensers with automatic shutoff and no hold-open devices.
- Snowmobile & ATV fueling needs collision protection at 30 inches on center.
- Change the self-service fueling requirements for snowmobiles & ATVs.

Topics still to be discussed include:

- Fueling inside of buildings, such as boathouses.
- Requiring spill containment equipment for any fueling over water.

Aircraft Fueling Subcommittee

Fred Schultz gave a brief summary for this subcommittee as follows:

There are currently 9 states that address hydrant fueling of aircraft. There are 2 known methods for leak detection of hydrant fueling systems. They are known as the Hansa System and the Vista System. It does not appear that either system is currently installed anywhere in the U.S. This subcommittee is drafting its own code language. Future topics for consideration include the issue of fueling and defueling inside buildings. The subcommittee is still struggling with aircraft fueling issues and unsafe practices at small airports, primarily due to a lack of interest in representation from this airport business area.

Hazardous Liquids Subcommittee

Dave Reinke reported on the progress of the subcommittee on hazardous substance storage tank regulations and made the following recommendations:

- The threshold for regulation should be >1,000 gallons.
- Within 500 feet of navigable waters lowers the threshold to 500 gallons.
- The chemical concentration should be >1%.
- Tote tanks that are filled by the manufacturer should be excluded.
- There should be a delayed implementation date of 3 years for tanks under 5,000 gallons and 5 years for tanks over 5,000 gallons.
- The general requirements under ch. Comm 10 should apply unless specifically stated.

Sheldon suggested the subcommittee revisit the thresholds of regulation capacity to consider one threshold capacity in an effort to avoid confusion. His concern was a site having some 500 gallon tanks regulated because they are within 500 ft of water and other 500 gallon tanks on the same site not regulated. A release from an unregulated 500 gallon tank located beyond the threshold measurement could pose significant risk and reach surface or ground water. Among the future topics to be considered include:

- Lining of steel tanks.
- Use of barrel piles to avoid regulation on large tanks.
- The issue of containment in buildings.
- Qualifications for designers and installers.

Farm Tanks Subcommittee

Bob Bartlett, at the request of Tim Clay, presented the committee with a plan approval exemption proposal by the subcommittee for farm tanks that included the following points:

- Any modification to an NFPA 395 tank regarding venting, wiring or setbacks would make it a "new" tank.
- No plan approval would be required.
- LPOs would inspect the tank installation.
- The user would sign an inspection certificate and the tank would have a tag prohibiting filling if the tank becomes non code-compliant.
- A carrier who fills a non code-compliant tank would be subject to penalties.

API 653 Subcommittee

Erin Roth gave a very brief report on this subcommittee and said that a current issue of concern is inconsistency of what is documented and how it is documented on the API 653 reports. The terminal operators are very cooperative with the subcommittee in assessing the issues and working with the subcommittee to develop a means to accommodate the regulatory needs in recognizing the API 653

tank assessment methodology.

NEXT MEETING: The next meeting of the full Comm 10 Committee is scheduled for **Thursday, April 19**. Please mark your calendars.